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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,263	10/14/2003	Yijun Ye	1317-03	4024

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EXAMINER

CHEN, VIVIAN

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,263

Applicant(s)

YE, YIJUN

Examiner

Vivian Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-56 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-2005; 1-2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over MINAMI ET AL (US 4,399,179),

in view of MURSCHALL ET AL (US 2003/0157352) or MURSCHALL ET AL (US 2004/0108754).

MINAMI ET AL discloses a polyester film wherein the film comprises a base polyester layer A and at least one matte polyester surface layer B, wherein the matte surface layer B contains 3-40 wt% talc particles having a typical diameter of 0.3-20 microns, wherein the surface layer B can be coextruded with the base layer or first extruded separately as a single layer film, wherein surface layer B is uniaxially or biaxially oriented. The base layer optionally contains additives such as pigments. The films are suitable for printing and/or metal deposition. (lines 14-24, col. 2; line 4-30, col. 4; line 10-35, col. 5; line 60, col. 6 to line 3, col. 7; line 30-35, col. 7)

The MURSCHALL ET AL references discloses that it is well known in the art to incorporate conventional additives such as UV absorbers and/or flame retardants into polyester

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films in order to improve durability and safety. The references also disclose that it is well known in the art to make one surface of a film matte and the other side glossy in order to produce an attractive packaging material. (MURSCHALL ET AL '754, paragraphs 0068-0078)
(MURSCHALL ET AL '352, paragraphs 0093, 0061-0063, 0079)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a known pigment such as talc into a film to obtain a matte film or film layer. One of ordinary skill in the art would have optionally incorporated effective and/or non-detrimental amounts of conventional additives such as pigments (e.g., talc), UV absorbers, flame retardants, etc. (claims 10, 24-25, 28, 38, 52-53, 56) into surface layer(s) B and optionally base layer A (claims 6, 34) in order to obtain the specific optical, mechanical, fire resistance, and/or durability properties desired for specific applications. It also would have been obvious to omit the use of additives such as flame retardants (claims 27, 55) when not required in order to reduce production costs. One of ordinary skill in the art would have applied known surface treatments such as reverse printing and/or metallization to either matte or glossy surface of the film (claim 21-23, 49-51) depending on the specific visual and aesthetic effects desired.

3. Claims 10, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over MINAMI ET AL (US 4,399,179),

in view of MURSCHALL ET AL (US 2003/0157352) or MURSCHALL ET AL (US 2004/0108754);

as applied to claims 1, 29 above,

and further in view of EDWARDS ET AL (US 6,727,306).

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EDWARDS ET AL discloses that it is well known in the art to utilize surface-treated talc in polyester resins in order to improve compatibility and minimize undesirable haze. (line 24-50, col. 4)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a known pigment such as surface-treated talc into the films of MINAMI ET AL in order to improve compatibility with the polyester resin and to avoid undesired haze and voiding.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2005



Vivian Chen
Primary Examiner
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